

FAMPO RESOLUTION 20-10

APPROVING CHANGES IN THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) AND THE GEORGE WASHINGTON REGIONAL COMMISSION (GWRC)

WHEREAS, FAMPO and GWRC have an existing MOU which provides for GWRC staffing of FAMPO and provides for selection of the FAMPO Administrator by the FAMPO Policy Committee, and;

WHEREAS FAMPO receives formula funds, as shown in the FAMPO Unified Planning Work Program (UPWP), GWRC serves as the fiscal agent for FAMPO, in addition to providing staffing, and;

WHEREAS, the FAMPO Policy Committee desires to have a new MOU with GWRC with regards to providing FAMPO with fiscal, administrative, and technical staff support, and;

WHEREAS, the FAMPO Policy Committee desires to take a stronger role in directing the FAMPO Administrator, including, setting performance expectations, providing a performance review and setting the compensation package, and;

WHEREAS, these Policy Committee changes in directing the FAMPO Administrator require amending the existing MOU.

NOW, THEREFORE, BE IT RESOLVED that the Fredericksburg Area Metropolitan Planning Organization hereby approves the MOU between GWRC and FAMPO:

Adopted by the Policy Committee at its meeting on August 19, 2019.



Matthew Kelly, Chair
Fredericksburg Area Metropolitan Planning Organization
Policy Committee

**MEMORANDUM OF UNDERSTANDING
BETWEEN
GEORGE WASHINGTON REGIONAL COMMISSION
AND
FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION**

This Memorandum of Understanding (MOU) is entered into this 19th day of August, in the year 2019, by and between the George Washington Regional Commission (GWRC) and the Fredericksburg Area Metropolitan Planning Organization (FAMPO), in order to describe their mutually beneficial relationship and to set forth their mutual and respective roles and responsibilities.

WHEREAS, GWRC is a legally constituted public agency of the Commonwealth of Virginia, created by Act of the Virginia General Assembly (“Regional Cooperation Act,” § 15.2-4200, *et seq.* of the *Code of Virginia*), the purpose of which is to promote the orderly and efficient development of the physical, social and economic elements of Planning District 16 by planning, and by encouraging and assisting governmental subdivisions to plan for the future; and,

WHEREAS, GWRC serves Planning District 16, comprising the jurisdictions of the City of Fredericksburg and Caroline, King George, Spotsylvania, and Stafford counties, with a governing body (Board) comprised of elected officials from each member jurisdiction; and,

WHEREAS, FAMPO is a Metropolitan Planning Organization (MPO) created by the Governor of the Commonwealth of Virginia in response to administrative requirements of the Federal-Aid Highway Act of 1962; and 2 CFR Part 200, 23 CFR Part 450, and 49 CFR Part 613, defined under 23 U.S.C. § 134 and § 49 U.S.C. 5303-5305, and formally recognized by Title 33.2, Chapter 32 of the *Code of Virginia* (§ 33.2-3200, *et seq.* of the *Code of Virginia*); and,

WHEREAS, FAMPO is responsible for the development of regional long-range transportation planning, has decision-making responsibility over urban transportation policy for

the Fredericksburg Metropolitan Planning Area, which is composed of the City of Fredericksburg and the counties of Spotsylvania and Stafford, and has primary authority to direct the use of State and Federal funds for this purpose; and,

WHEREAS, the Commission and FAMPO have coordinated the transportation planning process of Planning District 16's rural and urbanized areas, the latter of which being the responsibility of FAMPO; and,

WHEREAS, the FAMPO Policy Committee conducts its regional long-range transportation planning through the development of the Unified Planning Work Program (UPWP), the regional Transportation Improvement Program (TIP), a Long-Range Transportation Plan (LRTP), and other planning projects and instruments; and,

WHEREAS, the FAMPO Policy Committee is funded through Federal, State, and local funds, and is responsible for the conduct of its affairs and the establishment and oversight of its policies; however, FAMPO has limited legal authority, is not an independent legal entity, and does not have the independent authority to expend funds, sue and be sued, hire employees, or enter into leases or contracts; and,

WHEREAS, given FAMPO's limited legal authority, it requires a fiscal agent and staffing organization to carry out its responsibilities; and,

WHEREAS, FAMPO and GWRC, desiring to enter into this revised MOU for purposes of clarifying their respective and mutual roles and responsibilities, in exchange for the consideration expressed herein, agree as follows:

1. **Fiscal Agent Support:** GWRC shall serve as the fiscal agent for FAMPO and perform the following functions on its behalf and at the direction of the FAMPO Policy Committee:

a. GWRC shall contract for and administer Federal and State transportation planning grant funds for FAMPO in the urbanized area, at the direction of the FAMPO Policy Committee, and in accordance with the annual Agreements between GWRC and the Virginia Department of Transportation and other applicable Federal and State requirements.

b. The GWRC Executive Director, as the chief administrative officer of GWRC in its fiscal agency to FAMPO, shall have authority to approve and execute grants, agreements, and contracts with vendors, State and Federal Agencies, and other parties, as required to carry out the FAMPO UPWP, in consultation with and at the direction of the FAMPO Policy Committee and, at their direction, the FAMPO Administrator, and consistent with the laws, polices, regulations, and requirements of applicable State and Federal law, and policies established by FAMPO and the GWRC.

c. GWRC shall be responsible for oversight and compliance with all Federal, State, and local laws and regulations, and for compliance with all organizational policies and procedures, and, as such, is responsible for issues of non-compliance or violations of law. Oversight of these matters to ensure compliance shall be exercised by the GWRC Executive Director. The GWRC Executive Director shall immediately bring any concern or issues to the FAMPO Administrator and then to the FAMPO Policy Committee and GWRC.

d. The FAMPO Policy Committee is responsible for the establishment, oversight, and modification of its own budget through the UPWP, Transportation Alternatives (TA), the RSTP/CMAQ project selection and oversight process, and other funds that may become available. Any amendments to the UPWP budget shall be at the direction of the FAMPO Policy Committee. GWRC is responsible for the GWRC budget and appropriations of funds, which includes the UPWP's budget and appropriations, and amendments thereto as approved by the FAMPO Policy Committee.

e. GWRC Executive Director, along with the FAMPO Administrator, will provide the FAMPO Policy Committee with updates as to their budget availability and expenditures quarterly and/or as directed by the FAMPO Policy Committee.

f. The FAMPO Administrator and the GWRC Executive Director shall cooperate on budget items unrelated to the UPWP, such as the Rural Transportation Planning Program, and keeping the FAMPO Policy Committee informed of any items that they believe are of interest to the Policy Committee.

2. **Administrative and Technical Staff Support:** GWRC shall provide administrative and technical staff support to FAMPO for the purpose of carrying out the approved annual work program of FAMPO, as contained in the adopted UPWP and applicable State and Federal agreements, and amendments thereto. In providing this administrative and technical staff support:

a. At the direction of the FAMPO Policy Committee, the FAMPO Administrator shall lead the hiring process for staff assigned to FAMPO, and make personnel assignments to carry out FAMPO approved work tasks. The GWRC Executive

Director will assure compliance with State and Federal agreements and regulations in the hiring process for staff assigned to FAMPO.

b. The GWRC Executive Director or his/her designee shall participate in the hiring process for staff assigned to FAMPO as it relates to State and Federal Regulations and applicable human resource policies and procedures. The FAMPO Policy Committee and the FAMPO Administrator shall be notified by the GWRC Executive Director prior to the employment of any person assigned to FAMPO. The FAMPO Administrator shall direct the work of the assigned employees.

c. As the staffing organization for FAMPO, GWRC shall be responsible for compliance with all Federal, State, and local laws and regulations and for compliance with all personnel policies and procedures, and as such, is responsible for issues of noncompliance or violation of the law. The GWRC Executive Director shall inform the FAMPO Policy Committee and GWRC of issues concerning violations and recommended/required corrective action.

d. Policy direction to GWRC staff assigned to approved FAMPO work tasks shall be provided by the FAMPO Policy Committee through the FAMPO Administrator and its duly authorized committees in a manner consistent with applicable provisions of this MOU, as well as State and Federal guidance and regulations.

e. The FAMPO Policy Committee shall select a FAMPO Administrator, who shall serve at the pleasure of the FAMPO Policy Committee. The FAMPO Policy Committee may not enter into an employment agreement with the FAMPO Administrator but shall exercise supervision and performance management of the Administrator. The FAMPO Policy Committee Chair shall solicit input from the GWRC Executive Director,

with direction from GWRC, in the hiring and performance evaluation process of the FAMPO Administrator as it relates to compliance with State and Federal Regulations and human resources policies/procedures. Any issues that may arise will be referred to the FAMPO Policy Committee. The FAMPO Administrator's compensation package will be set by the FAMPO Policy Committee and executed by the GWRC Executive Director within budgetary constraints and in adherence to State and Federal Law.

f. The GWRC Chair shall solicit input from the FAMPO Policy Committee in the performance evaluation process of the GWRC Executive Director.

g. The FAMPO Administrator shall coordinate the resources and designated FAMPO staff required to accomplish the proposed work elements of the FAMPO UPWP and comply with applicable State and Federal agreements, subject to fiscal constraints and appropriations.

h. The GWRC Executive Director and FAMPO Administrator shall work cooperatively and consider sharing resources when mutually beneficial to both organizations, subject to proper accounting of time and assessment of expenses to appropriate funding streams. The GWRC Executive Director and the FAMPO Administrator shall keep their respective boards apprised of common work and endeavors to follow the strategic direction set by the boards.

3. This MOU supersedes and replaces all previous MOUs between GWRC and FAMPO, including but not limited to the MOU approved and entered into by the parties dated July 15, 2013 (GWRC Resolution No. 14-02 and FAMPO Resolution 13-24).

